

**REMARKS**

Claim 1 is amended herein to recite that the dichroic polarizer has a polarizing coefficient of about 97% or more and that the polarizer has a luminous correction polarizing coefficient of 99.9% or more. Claim 2 is amended herein to recite that the dichroic polarizer has a luminous correction polarizing coefficient of about 95% or more and that the polarizer had a luminous correction polarizing coefficient of about 99% or more. Claims 5-9 and 16 are amended to correct informalities in the claims. Claim 10 was previously canceled, and claims 11 and 13 are amended to be commensurate in scope with claims 1 and 2. Support for the amendment is found, for example, in Table 3, Dichroic Polarizer B, in the present specification on page 26. Hence no new matter is presented.

Upon entry of the Amendment, which is respectfully requested, claims 1-9 and 11-18 will be all of the claims pending in the application.

**I. Response to Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1-9 and 11-18 are rejected under 35 U.S.C. § 103(a) over Kausch et al in view of Okumura et al for the reasons of record. In response to the Amendment filed on December 30, 2002, the Examiner states that the arguments presented are not persuasive because a *prima facie* case of obviousness exists where the claimed ranges do not overlap but are close enough that one of ordinary skill in the art would have expected them to have the same properties. Furthermore the Examiner states that it is unclear why claims other than claim 1 are asserted to be allowable over the art since only claim 1 was amended.

Applicants respectfully traverse the rejection.

As previously pointed out in the Amendment filed on December 30, 2002, Kausch et al only discloses a polarizer having a luminous correction polarizing coefficient  $[P(P,Y)]$  of at most 89.4%. Therefore, Kausch et al does not disclose the polarizer of the presently amended claims, which require that the polarizer has a luminous correction polarizing coefficient  $[P(P,Y)]$  of 99.9% or more.

Furthermore, Example 1 of Kausch et al discloses a lower luminous correction polarizing coefficient than that of the Comparative Example in the reference. Thus, Kausch et al does not teach, suggest, or provide an enabling disclosure for improving its luminous correction polarizing coefficient. Therefore, one of ordinary skill in the art would not have a reasonable expectation of achieving the claimed invention as presently claimed having a luminous correction polarizing coefficient  $[P(P,Y)]$  of 99.9% or more.

Okamura et al does not remedy the deficiencies of Kausch et al. Okamura et al does not teach or even imply a polarizer of the present invention having a dichroic polarizer with a polarizing coefficient within the presently recited range of 97% or more, much less the effect of the claimed invention. Okamura et al discloses dichroic polarizers, which according to the examples of Okamura et al, have polarizing coefficients less than 97%. Therefore, the polarizer disclosed by Okamura et al corresponds to dichroic polarizer C in the examples of the present specification, which is outside of the scope of the present invention.

The polarizer of the present invention as set forth in amended claims 1 and 2, includes a dichroic polarizer having a polarizing coefficient  $[P(AP)(\lambda)]$  of about 95% or more, and shows a picture plane contrast of Grade A. On the other hand, when dichroic polarizer C which has

$Y(AP)=47.3\%$  and  $P(AP,Y)=90.2\%$ , is used as in Okamura et al, the polarizer shows the picture plane contrast as Grade B (see Examples 3 and 6). Thus, one of ordinary skill in the art would not have been motivated to combine Kausch et al and Okamura et al with a reasonable expectation of achieving the claimed invention.

Applicants further submit that the Examiner's conclusion of obviousness is based on improper hindsight reasoning. Even if Kausch et al disclosed an optical polarizer including a dichroic polarizer and a reflective polarizer, Kausch et al does not teach or provide an enabling disclosure for improving its luminous correction polarizing coefficient, nor to use a dichroic polarizer disclosed by Okamura et al. Thus, even if one of ordinary skill in the art were to combine Kausch et al and Okamura et al, one would not have had a reasonable expectation of achieving the claimed invention.

Thus, Kasuch et al and Okamura et al, taken alone or in combination, do not render the presently claimed invention obvious. Accordingly, Applicants respectfully request withdrawal of the rejection.

## **II. Conclusion**


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.116  
U.S. Application Ser. No. 09/729,860

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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